

C 4004 PLACE OF ACTUAL RESIDENCE DETERMINATION

1. **EMPLOYMENT IN MANPOWER SHORT-AGE POSITIONS.** The obligation of the Government for transportation to the first duty station is limited to movement from place of actual residence at the time of selection or assignment. The place of actual residence for use in connection with travel to the first duty station in the United States is that geographical location where an individual dwelled for some time prior to selection for appointment or assignment to a shortage occupation. If the employee claims some other location as his place of actual residence at the time of selection, the burden of proof is upon him to show that his residence in the geographical location where he dwells at the time of selection is temporary and that his place of actual residence is elsewhere. The location of a college in which a student is enrolled and where he has dwelled for 9 or 10 months in each of 3 or 4 years may or may not be considered his place of actual residence depending upon the facts presented.

2. OVERSEAS EMPLOYMENT

a. **General.** The obligations of the Government for transportation for purposes of overseas assignment, round-trip travel under a renewal agreement, or return for separation, are limited to movement to or from an employee's place of actual residence at the time of his assignment to overseas duty. Before an agreement is negotiated, the employment office will make every effort to ascertain and state in the agreement the correct place of actual residence. In the negotiation of a renewal agreement, the same place of actual residence shown in the employee's original agreement will be stated in the renewal agreement unless it is determined that an error was made in the employee's place of actual residence when the original agreement was executed. In the event of the latter, the correct place of actual residence will be determined and stated in the renewal agreement. An explanation will be made a matter of record with the renewal agreement.

b. **Factors for Consideration.** The place of actual residence is the fixed or permanent residence, normally, where dependents and household goods are maintained at the time of an employee's appointment to an overseas position. Generally, the place of actual residence is the place from which transferred or appointed. This, however, is not always

so. The desire of an applicant or employee to specify a location as place of actual residence that is not justified as reasonable, or merely because of an intention to establish residence or visit some place, will not be a basis for designating such place as that of actual residence for transportation eligibility purposes. All available facts concerning the employee's residence prior to assignment to overseas duty will be carefully considered such as home ownership, previous residence, temporary employment in city from which recruited, employment requiring residence apart from the family, the employee's voting residence, the place where the employee pays taxes. Additional factors for consideration, in the case of a local hire, are the length of absence from the claimed place of residence and the reasons for such absence; whether a residence has in fact been maintained to which the person expects to return; whether the person has in fact actually established residence locally overseas, participated in local elections, or obtained waiver of United States tax liability based on foreign residence which would negate a claim of place of actual residence in the United States (35 Comp. Gen. 244; 37 Comp. Gen. 846). Additionally, the conditions in par. C 4002-3 will be used in determining place of actual residence in the United States.

c. **Documentation.** The information developed as a result of determining the place of actual residence will be placed in the employee's official personnel folder.

d. **Employee's Claim of Change in Place of Actual Residence.** Where place of actual residence has been determined in accordance with subpar. b, no change is authorized during a continuous period of overseas service and none will be approved except in case of an error (35 Comp. Gen. 101; 39 Comp. Gen. 337). In the event of an error, the appropriate agreement will be corrected to show the employee's correct place of actual residence.

*They are tight and changes are not allowed
GAO*

C 4005 PERIOD OF SERVICE REQUIREMENT (TOUR OF DUTY)

1. **TRANSFERS TO AND WITHIN CONTINENTAL UNITED STATES.** The tour of duty in connection with transfers to or between permanent duty stations within the continental United States is 12 months.

2. **EMPLOYMENT IN MANPOWER SHORT-AGE POSITIONS.** The tour of duty for first

*Note: term "assignment" (broad enough to encompass assigned directly overseas and transfers) is usually used but word-
agreement is preferred*

between old and new overseas duty stations. The per diem allowances as prescribed in par. C 8102 apply for the constructive period. See par. C 10159.

g. Leave Status During Absence from Duty. During the period of absence from the overseas post of duty until returned to duty at the same or different overseas post of duty, the employee may be entitled to home leave, or leave-free travel time, or may be in a leave with or without pay status. The leave regulations of the separate departments apply (see Appendix B). Certain limitations apply to teachers in the Department of Defense overseas dependents school system (see par. C 4156).

h. Travel Orders and Related Travel and Transportation Entitlements. Chapter 2 covers issuance of travel orders; Chapter 6 covers modes of transportation, routing, and accommodations; Chapter 7 covers conditions of entitlement for transportation of dependents and also the conditions under which a privately owned motor vehicle may be shipped one way at Government expense; and Chapter 9 covers allowable reimbursable expenses.

2. ALTERNATE POINT DESTINATION

a. General. *(Same as above)* Renewal agreement travel may be allowed to and from an alternate point in the same country, territory, or possession in which the employee's place of actual residence is located. The travel and transportation expense to the Government is limited to the cost by usual route and authorized modes from the overseas post of duty to the place of actual residence and return to the same or a different overseas post of duty. With reference to the United States, "same country in which place of actual residence is located" includes the 50 States and the District of Columbia, but not territories and possessions of the United States.

b. Travel to Alternate Points Not Generally Authorized. Renewal agreement travel will not be authorized to an alternate point except as provided in subpar. a. The requirement to travel to place of actual residence or an alternate point in the same country in which residence is located is not met by merely routing through that country en route to another country. Also there is no basis for reimbursement if a traveler under renewal agreement authority fails to meet that destination point condition.

c. Prohibition Against "Travel Tours." Authorization to travel to an alternate location will not be construed as recognizing a "travel tour" concept providing for travel to various points for personal reasons. An alternate destination point, if permitted within

the limitations in subpar. a, will be determined in advance of travel and stated in the travel order. If the alternate destination point is omitted from the travel order, the order may be amended to include the alternate destination point or the alternate destination point may be specifically approved on the reimbursement voucher.

C 4153 LIMITATIONS

1. HOUSEHOLD GOODS. There is no entitlement in connection with renewal agreement travel for the shipment of household goods except with regard to necessary baggage as provided in par. C 6305. However, the signing of a renewal agreement in connection with renewal agreement travel can be the basis for reestablishing expired entitlement for the transportation of household goods (and dependents) to the extent of prior authorization that was unused (38 Comp. Gen. 653) (see pars. C 7002-2d and 9b and C 7052).

2. UNACCOMPANIED DEPENDENTS. For travel entitlements of unaccompanied dependents, see par. C 4152-1a.

3. DESTINATION POINT RELOCATION. Renewal agreement travel authority does not apply if an employee's travel destination is to a place other than in the country or area in which his place of actual residence is located (see par. C 4152-2).

4. DUPLICATE ELIGIBILITY. Duplicate transportation will not be authorized for persons who may be separately eligible for renewal agreement travel as an employee and as a dependent (see par. C 4003).

C 4154 NEW TOUR OF DUTY BEGINNING DATE

For the beginning date of new tour of duty, see par. C 4006.

C 4155 OBLIGATION FOR EXPENSES

For Government's obligation for expenses, see par. C 1053-2.

C 4156 TEACHERS IN THE DEPARTMENT OF DEFENSE OVERSEAS DEPENDENTS SCHOOL SYSTEM

1. AREAS WITH LESS THAN 2 YEARS TOUR OF DUTY AND EXCEPTIONS THERETO. A teacher who satisfactorily completes the agreed period of service in the area where the established tour of duty for other civilian personnel is less than 2 years or who completes the agreed period of service in the Philippines; Trinidad; Wakkanai and Chitose, Japan; Newfoundland; Azores; Crete, Greece; Guantanamo Bay, Cuba; Korea; Ryukyu